

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EDDIE BERNARD BRATTON

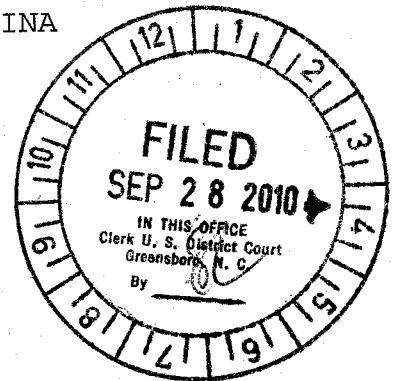
Plaintiff,

v.

UNITED STATES OF AMERICA

Defendants.

1:09CV603



ORDER

This matter is before this court for review of the Recommendation of United States Magistrate Judge ("Report") filed on August 19, 2010, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b) (Doc.13). In the Report, the Magistrate Judge recommends that Plaintiff's motion for return of property (Doc. 2) be denied and that Defendant's motion to dismiss (Doc. 9) be granted and that this action be dismissed. The Report was served on the parties to this action on August 19, 2010, and August 31, 2010. No objections have been filed to the Report.

This court is required to "make a de novo determination of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). In the absence of objections, this court reviews the Report only for clear error. See Diamond v. Colonial Life & Accident Co., 416 F.3d 310, 315 (4th Cir. 2005).

This court has appropriately reviewed the Report and finds that the Report should be adopted. This court therefore adopts the Report.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and recommendation (Doc. 13) is ADOPTED.

IT IS FURTHER ORDERED that Plaintiff's motion for return of property (Doc. 2) is **DENIED** and Defendant's motion to dismiss (Doc. 9) is **GRANTED** and this action is **DISMISSED**.

This the 28th day of September 2010.

William L. Osburn, Jr.
United States District Judge